

ATTACHMENT B EXHIBIT 1

ECOLOGY **REQUIRED AND RECOMMENDED** CHANGES TO THE CITY OF EAST WENATCHEE SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT (CHAPTER 8 DEFINITIONS)

This document is a redline version of the SMP's Chapter 8 Definitions. This document was created using the chapter from the SMP and definition section from Appendix H submitted in the City's final submittal. As part of our review, Ecology identified inconsistencies between the SMP and the Appendix definitions needing to be corrected. After discussions with the City, it was decided that the best way to correct the inconsistencies was to delete the definitions in Appendix H and merge them into the SMP chapter 8. To do this, the two documents were cross referenced and any definitions from the appendix that were not included in the SMP were added. These are identified as recommended changes. If the definition was added to Chapter 8 and it is identified in the SMA statute, it is identified as a required change. For the definitions that were inconsistent across the Appendix and the SMP Chapter, there were two ways they were handled. If a definition is identified in the statute, that version of the definition is the one that was retained and is identified as a required change. If there was not a statute definition, the City chose to retain the SMP Chapter 8 definitions to fix the inconsistencies.

Changes are identified in ~~strike through~~ and underline. The comments for each definition change identifies if the change is **required** for consistency with the SMA and the SMP Guidelines, or if the change is **recommended** as part of the merge of the two definition sections. As a result of the additions and modifications identified herein, the numbering throughout this section is also updated.

SMP CHAPTER 8 DEFINITIONS

1. "Accessory" means a building, area, structure, use or any part thereof, which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot any structure or use incidental and subordinate to a primary authorized use or development.
2. "Accretion shoreform" means a shoreline with a relatively stable berm and backshore that has been built up by long-term deposition of sand and gravel transported by wind and/or water from a feeder bluff or other material source. Such shoreforms are scarce locally and include barrier beaches, points, spits, and point and channel bars on streams.
3. "Act" means the Shoreline Management Act of 1971 (RCW 90.58) as amended.
4. "Active alluvial fan" means a portion or all of a fan that has experienced channel changes, erosion, or deposition. Active fans can be identified based on determination by field geomorphic and topographic evidence, and by historical accounts.
5. "Activity" means human activity associated with the use of land or resources.

6. "Adaptive management program" is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.

7. "Administrator" means the Director of Douglas County Land Services, City of East Wenatchee Community Development Director, Mayor of the City of Bridgeport or Mayor of the City of Rock Island, as appropriate to jurisdiction, who is to carry out the administrative duties enumerated in this Program, or his/her designated representative.

Commented [BC1]: Recommended Change 1. This definition has been moved here from Appendix H.

87. "Adverse impact" means an impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

98. "Agriculture" or "agricultural activities" means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. "New agriculture" means conversion of lands not in agricultural production converted to an agricultural activity.

109. "Agricultural equipment" and "agricultural facilities" include, but are not limited to:

- a. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
- b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
- c. Farm residences and associated equipment, lands, and facilities; and
- d. Roadside stands and on-farm markets for marketing fruit or vegetables.

119. "Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to WAC 173-26 as evidenced by aerial photography or other documentation. After the effective date of the Master Program, land converted to agricultural use is subject to compliance with the requirements of the Master Program.

121. "Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

132. "Alluvial fan" means a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of a mountainous upland onto a level plain or valley floor because of a sudden change in sediment transport capacity (e.g. significant change in slope or confinement).

143. "Alluvium" means a general term for clay, silt, sand, gravel, or similar other unconsolidated detrital materials, deposited during comparatively recent geologic time by a stream or other body of running water, as a sorted or semi-sorted sediment in the bed of the stream or on its floodplain or delta.

154. "Alteration" means any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelization, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

165. "Anadromous fish" means fish species that spend most of their lifecycle in saltwater, but return to freshwater to reproduce.

176. "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

187. "Appurtenant" – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark (e.g., a swimming pool).

198. "Aquaculture" means the farming or culture of food fish, or other aquatic plants or animals and may require development such as fish hatcheries, rearing pens, and structures, as well as use of natural spawning and rearing areas. The term "aquaculture" also includes activities related to growing, handling, or harvesting of aquatic produce, including, but not limited to, propagation, stocking, holding, nurturing, disease treatment, waste disposal, water use, development of habitat and structures.

2019. "Aquaculture practices" means any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including but not limited to propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

210. "Aquatic environment" means an area so designated in this Program.

22. "Aquatic habitat" means habitat for fish and other aquatic organisms within bodies of water, particularly lakes, streams or rivers.

Commented [BC2]: Recommended Change 2. This definition has been moved here from Appendix H.

23. "Aquifer" means a porous water-bearing geologic formation generally restricted to materials capable of yielding ground water to wells or springs.

Commented [BC3]: Recommended Change 3. This definition has been moved here from Appendix H.

24. "Aquifer recharge areas" means those areas which serve as critical ground water recharge areas and which are highly vulnerable to contamination from intensive land uses within these areas.

Commented [BC4]: Recommended Change 4. This definition has been moved here from Appendix H.

25. "Aquifer sensitive area" means the area from which water runoff directly recharges the aquifer, including the surface over the aquifer itself, and the hillside areas immediately adjacent to an aquifer.

Commented [BC5]: Recommended Change 5. This definition has been moved here from Appendix H.

261. "Archaeological resource/site" means a geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects. "Significant" is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

a. That are associated with events that have made a significant contribution to the broad patterns of our history; or

b. That are associated with the lives of significant persons in our past; or

c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. That has yielded or may be likely to yield, information important in history or prehistory.

272. "Archaeologist" means a person who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as an M.A., M.S. or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

238. "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

294. "Atypical situation" as used herein, refers to areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter. Recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect.

3025. "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the midpoint of all exterior walls of the proposed building or structure.

31. "Beach" means a nearly level stretch of pebbles and/or sand beside a body of water that may be artificially created or created by the action of the water.

Commented [BC6]: Recommended Change 6. This definition has been moved here from Appendix H.

3226. "Beach nourishment" means a restoration or shoreline stabilization activity in which selected beach material is deposited at one or several locations.

33. "Bedding surface" means a surface, typically conspicuous, within a mass of stratified rock, representing an original surface of deposition; the surface of separation or interface between two adjacent beds of sedimentary or volcanic rock. If the surface is more or less regular or nearly planar, it is called a bedding plane.

Commented [BC7]: Recommended Change 7. This definition has been moved here from Appendix H.

3427. "Bedlands" means those submerged lands below the ordinary high water mark.

3528. "Bedrock" means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

~~3629.~~ "Berm" or "protective berm" means one or several accreted linear mounds of sand and gravel generally paralleling the shore at or landward of OHWM; berms are normally stable because of material size or vegetation, and are naturally formed by littoral drift.

~~37.~~ "Best available science" is the information obtained from local, state or federal agencies for use in the development and implementation of critical area policies and regulations consistent with WAC 365-195-900 through WAC 365-195-925. This information may also be obtained through the use of a qualified professional to identify scientific information, determine best available science and assess its applicability.

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~~380.~~ "Best management practices" (BMP's) means conservation practices or systems of practices and management measures that:

- a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- b. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands;
- c. Protect trees and vegetation designated to be retained during and following site construction; and
- d. Provide standards for proper use of chemical herbicides within critical areas.

~~394.~~ "Bioengineered shoreline stabilization" means biostructural and biotechnical alternatives to hardened structures (bulkheads, walls) for protecting slopes or other erosive features. Bioengineered stabilization uses vegetation, geotextiles, geosynthetics and similar materials. An example is vegetated reinforced soil slopes (VRSS), which uses vegetation arranged and imbedded in the ground to prevent shallow-mass movement and surficial erosion.

~~40.~~ "Biofiltration" means the process of reducing pollutant concentrations in water by filtering the polluted water through biological materials.

Commented [BC9]: Recommended Change 9. This definition has been moved here from Appendix H.

~~41.~~ "Biologist" means an individual who has earned at least a Bachelor of Science degree in biological sciences from an accredited college or university, and has at least four years of professional experience as a biologist.

Commented [BC10]: Recommended Change 10. This definition has been moved here from Appendix H.

~~342.~~ "Boathouse" means any roofed and enclosed structure built onshore or offshore for storage of water craft or float planes. See also Covered Moorage.

~~343.~~ "Boat ramp" means a structure constructed of concrete or other material, which extends waterward of the ordinary high-water mark.

~~344.~~ "Boat storage" means dry moorage- on land. See also Moorage.

~~3545.~~ "Breakwater" means protective structure, generally built off shore to protect harbor areas, moorages, navigation, beaches and bluffs from wave action. They may be fixed, open-pile or floating.

~~36.~~ "Buffer (buffer zone)" means the area adjacent to a shoreline and/or critical area that separates and protects the area from adverse impacts associated with adjacent land uses.

46. "Buffer, critical area" means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

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3747. "Building" means any combination of materials constructed, placed or erected permanently or temporarily on the ground or attached to something having a permanent location on the ground, for the shelter, support or enclosure of persons, animals or property, or supporting any use, occupancy or function whether artificially built or composed of parts joined together in some definite manner, which could be installed on, above or below the surface of the ground or water. The terms building and structure are synonymous.

48. "Building envelope" means the area of a lot that delineates the limits of where a building(s) may be placed on a lot.

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3849. "Bulkhead" means an upright partition that is watertight; a retaining wall.

3950. "Buoy" means a floating object anchored in water to warn of rocks, etc., or to mark a channel.

4051. "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

4152. "Channelization" means the straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

4253. "Chemicals" mean any synthetic substance or mixture of such substances used for a fertilizer, herbicide, pesticide, insecticide, or rodenticide.

4354. "Circulation systems"- see transportation facilities/systems.

4455. "City" means one of the three cities with shorelines in Douglas County: the Cities of Bridgeport, the City of East Wenatchee, and Rock Island.

4556. "Clearing" means the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

4657. "Cluster subdivision development" means land divisions that concentrate residential uses into a compact area with perimeter buffering, open space, community water and sewer systems and other conditions, and which are designed to prevent conflict with resource and critical areas. a form of development that permits a reduction in lot area and bulk requirements, and may provide a net increase in the number of lots permitted under a conventional subdivision, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.

58. "Colluvium" means a general term applied to a loose mass of soil and rock that slowly creeps down slope and collects at the base of slopes.

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4759. "Commercial development" means those facilities involved in a wholesale or retail business or service. They range from office buildings, hotels, motels, grocery markets, shopping centers,

restaurants, gift shops and private or public indoor recreation facilities. Excluded from this category are residential or recreation subdivisions, agriculture, resort marinas and ports and industry.

~~4860~~. "Commercial docks" means those used for commercial or industrial uses. This does not include marinas.

~~4961~~. "Commercial fish" means those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).

~~5062~~. "Community access" means the right of all property owners or members of a residential development to get to and use the state's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or community corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other community sites or facilities. Community access is not intended for the general public.

~~5163~~. "Compensatory mitigation" means a mitigation project for the purpose of replacing, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration and relocation, rehabilitation; and buffer enhancement.

~~5264~~. "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

~~5365~~. "Conservation" means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

~~5466~~. "Conservation easement" means a legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a plat or property deed, runs with the land, and is legally binding on all present and future owners of the property.

~~67~~. "Consolidation" means a process whereby loosely aggregated, soft or liquid earth materials become firm and coherent rock.

~~68~~. "Constructed wetlands or watercourses" means those wetlands or watercourses which an applicant can demonstrate were intentionally created from non-wetland or non- watercourse sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention and retention facilities, wastewater treatment facilities, farm ponds and landscape amenities; and does not mean those wetlands and watercourses created through compensatory mitigation.

~~5569~~. "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels (Chapter 172-200 WAC).

~~5670~~. "County" means Douglas County, Washington.

Commented [BC14]: Recommended Change 14. This definition has been moved here from Appendix H.

Commented [BC15]: Recommended Change 15. This definition has been moved here from Appendix H.

~~57~~71. "Covered moorage" means a roofed, floating or fixed offshore structure without walls other than minimal structural framework needed to support the roof for moorage of water craft or float planes.

~~58~~72. "Critical aquifer recharge area" means areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) used for potable water as defined by WAC 365-190-030(2).

~~59. "Critical areas" the following areas as designated in critical area standards as established in Appendix H:~~

~~a. Critical aquifer recharge areas~~

~~b. Wetlands~~

~~c. Geologically hazardous areas~~

~~d. Frequently flooded areas~~

~~e. Fish and wildlife habitat conservation areas~~

~~73. "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.~~

~~60~~74. "Critical habitat" means habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) Program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

~~64~~75. "Current deflector" means an angled "stub-dike", groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

~~62~~76. "Dam" means a barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

~~77. "Debris avalanche" means a rapid and sudden sliding or flow of rock materials; or the deposits of such materials.~~

~~63~~78. "Debris flow" means a moving mass of rock fragments, soil, and mud; more than half of the particles being larger than sand size; a general term that describes a mass movement of sediment mixed with water and air that flows readily on low slopes.

~~64~~79. "Debris torrent" means a violent and rushing mass of water, logs, boulders and other debris.

Commented [BC16]: Required Change 1: Definition from Appendix H is the correct definition
36.70A RCW

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[6580](#). "Deepwater habitats" means permanently flooded lands. Deepwater habitats include environments where surface water is permanent and often deep, so that water, rather than air, is the principal medium in which the dominant organisms live. The boundary between wetland and deepwater habitat in the riverine and lacustrine systems lies at a depth of two meters (6.6 feet) below low water; however, if emergent vegetation, shrubs, or trees grow beyond this depth at any time, their deepwater edge is the boundary.

[6681](#). "Delineation" means the precise determination of wetland boundaries in the field according to the application of the specific method described in the 1997 Washington State Wetland Identification and Delineation manual, and/or the Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended, and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.

[6782](#). "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any stage of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.

[6883](#). "Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas standards, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

[6984](#). "Dike" means an artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

[7085](#). "Dock" means all platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation including but not limited to floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps.

(a) Private docks- over-water structures are constructed and utilized for private moorage by a single residential waterfront property owner; or an upland property owner adjacent to publicly owned shoreline where the public entity has authorized the placement of a private dock.

(b) Joint use docks - are constructed and utilized by two or more contiguous residential waterfront property owners. Joint use dock facilities may also serve one waterfront property owner and one or more contiguous upland property owners; or may consist of two or more upland property owners adjacent to publicly owned shoreline, where the public entity has authorized the placement of a joint use dock.

(c) Community docks- are typically designed and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-water front property owners. A homeowner's association usually owns a shoreline tract(s) or easement (s) providing for the potential placement of the dock facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and

the entity has authorized dock facilities, the dock facilities for multiple upland property owners of a residential development would also be considered community dock facilities.

(d) Public docks- are constructed and utilized for use by the general public, typically owned and managed by a public agency and may include a boat ramp.

[7486](#). "Drainage ditch" means an artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditched channels that support fish are considered to be streams.

[7287](#). "Dredging" means the removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition. Dredging is commonly done in shallow environments to deepen wet moorage, marinas, harbors and their entrances, and navigational lanes and to obtain bottom materials for landfill or construction.

[7388](#). "Duration (inundation/soil saturation)" means the length of time during which water stands at or above the soil surface (inundation), or during which the soil is saturated. As used herein, duration refers to a period during the growing season.

[7489](#). "Dwelling unit" means a building or portion thereof designed exclusively for residential purposes on a permanent basis; to be used, rented, leased, or hired out to be occupied for living purposes having independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling unit.

[7590](#). "Multifamily dwelling" means a building containing three or more dwelling units.

[7691](#). "Single-family dwelling" means a building containing one dwelling unit on one lot, other than an accessory dwelling. A single-family dwelling unit can be either attached or a detached unit, provided each unit is located on a separate lot.

[7792](#). "Two-family dwelling (duplex)" means a building containing two attached dwelling units on one lot, other than an accessory dwelling.

[93](#). "Earthflow" means a mass-movement landform and process characterized by down slope translation of soil and weathered rock over a discrete basal shear surface within well defined lateral boundaries. Earthflows grade into mudflows through a continuous range associated with increasing water contact.

[7894](#). "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(3)(d)(i)(C). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and flood water attenuation and flood

Commented [BC18]: Recommended Change 17. This definition has been moved here from Appendix H.

peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

7995. “Ecosystem processes”, or “ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

8096. “Emergency activities” are those activities that require immediate action within a time too short to allow full compliance with this program due to an unanticipated and imminent threat to public health, safety or the environment. Emergency construction does not include development of new permanent protective structures where none previously existed. All emergency construction shall be consistent with the policies of 90.58 RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

8197. “Emergent wetland” means a wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

8298. “Enhancement” means actions performed within a shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species.

99. “Ephemeral stream” means a stream that has flowing water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Commented [BC19]: Recommended Change 18. This definition has been moved here from Appendix H.

83100. “Erosion” means a process whereby wind, rain, water and other natural agents mobilize, and transport, and deposit soil particles.

84101. “Erosion hazard areas” means lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS) as having “severe” or “very severe” erosion hazards and areas subject to impacts from lateral erosion related to moving water such as river channel migration and shoreline retreat.

102. “Erosion/sedimentation control” means any temporary or permanent measure taken to reduce air borne or water borne erosion; control siltation and sedimentation.

Commented [BC20]: Recommended Change 19. This definition has been moved here from Appendix H.

85103. “Essential public facilities” means those publicly and privately owned and/or operated facilities, structures, utilities and uses that are typically difficult to site due to scale and operational characteristics that may pose potentially hazardous or inherently objectionable conditions if permitted to site without public review. Examples of essential public facilities include, but are not limited to, airports, state education facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, mental health facilities and group homes.

~~86~~104. "Excavation" means any act by which soil, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there from.

~~87~~105. "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

~~88~~106. "Existing and ongoing agricultural activities" means those activities conducted on lands defined in RCW 36.70A.030 and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that result in the filling of an area or bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use, or has lain idle for more than five (5) years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

~~89~~107. "Exotic" means any species of plants or animals that is not indigenous to the area.

108. "Extraordinary hardship" means strict application of this chapter and/or programs adopted to implement this chapter by the city of East Wenatchee would prevent all reasonable economic use of the parcel.

Commented [BC21]: Recommended Change 20. This definition has been moved here from Appendix H.

~~90~~109. "Fair market value" of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

~~91. "Farm pond" means an open water depression created from a non-wetland site in connection with agricultural activities.~~

110. "Farm ponds" are small water bodies whose initial creation was for use with an associated agricultural operation, such as irrigation for a crop. This does not include natural water bodies altered to serve an agricultural operation, such as dams created to artificially elevate a lake or pond, or on a perennial stream course.

Commented [BC22]: Recommended Change 21. This definition has been moved here from Appendix H. Will replace existing definition per City.

111. "Fault" means a fracture or a zone of fractures along which there has been displacement of the sides relative to each other.

Commented [BC23]: Recommended Change 22. This definition has been moved here from Appendix H.

112. "Fault plane" means a fault surface that is more or less planar.

Commented [BC24]: Recommended Change 23. This definition has been moved here from Appendix H.

~~92~~113. "Feasible" means an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose; and
- c. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Program requires certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant/proponent. In determining an action's infeasibility, the jurisdiction may weigh the action's relative costs and public benefits, considered in the short and long-term time frames.

[93114](#). "Feasible alternative" means an substitute action that is available and reasonably capable of being carried out after taking into consideration, existing technology and logistics in light of overall project purposes, and that has less impact to critical areas. Cost shall not be the sole basis for determining feasibility.

[94115](#). "Feeder bluff" or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

[95116](#). "Feed lot" means a confined area or structure for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods.

[96117](#). "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

[97118](#). "Fill material" means any solid or semi-solid material, including rock, sand, soil, clay, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure, that when placed, changes the grade or elevation of the receiving site. Materials such as plastics, construction debris, wood chips, etc., would be regulated as either solid waste or inert waste and not fill material for the purposes of this Program.

[98119](#). "Filling" means the act of transporting or placing by any manual or mechanical means fill material from, to, or on any soil surface, including temporary stockpiling of fill material.

[99](#). "Fish and wildlife habitat conservation areas" are areas important for maintaining species in suitable habitats within their natural geographic distribution so that isolated populations are not created, as designated in critical areas standards identified in Appendix H.

[120](#). "Fish and wildlife habitat conservation" means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean that

cooperative and coordinated land use planning is critically important in the city. "Fish and wildlife habitat conservation areas" include:

a. Areas with which endangered, threatened, and sensitive species have primary association;

b. Habitats and species of local importance;

c. Commercial and recreational shellfish areas;

d. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

e. Waters of the state;

f. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity; or

g. State natural area preserves and natural resource conservation areas.

~~100~~121. "Fish habitat" means a complex of physical, chemical, and biological conditions that provide the life supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and nearshore areas include, but are not limited to, the following:

- a. Clean water and appropriate temperatures for spawning, rearing, and holding;
- b. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat;
- c. Abundance of bank and instream structures to provide hiding and resting areas and stabilize stream banks and beds;
- d. Appropriate substrates for spawning and embryonic development. For stream and lake dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand;
- e. Presence of riparian vegetation as defined in this article. Riparian vegetation creates a transition zone, which provides shade, and food sources of aquatic and terrestrial insects for fish;
- f. Unimpeded passage (i.e. due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

~~101~~122. "Floats" means a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.

~~102~~123. "Flood/flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters and/or the unusual rapid accumulation of surface runoff.

Commented [BC25]: Recommended Change 24. This definition has been moved here from Appendix H. The existing definition will be deleted.

~~103~~124. "Flood control works" means all development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

~~104~~125. "Floodgate" means a closeable passageway placed in a river, stream or artificial channel to control flood waters.

126. "Flood hazard area" means an area of special flood hazard as defined in EWMC 15.44.080070. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like and other areas in the floodplain of the city subject to a one percent or greater chance of flooding in any given year.

Commented [BC26]: Recommended Change 25. This definition has been moved here from Appendix H.

~~105~~127. "Floodplain" is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

~~106~~128. "Floodplain management" means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

~~107~~129. "Flood-proofing" means structural provisions, changes, adjustments or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

~~108~~130. "Floodway" means the area, as identified in a master program that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

~~109~~131. "Floodway fringe" means that fringe of land in the floodplain outside the floodway, which is subject to inundation by the base flood. Flooding in the fringe is limited to flood surge storage of water currents moving at a negligible velocity of less than 0.5 miles per hour.

~~110~~132. "Food chain" means the hierarchy of feeding relationships between species in a biotic community. The food chain represents the transfer of material and energy from one species to another within an ecosystem.

~~111~~133. "Freestanding sign" means any sign supported by one or more uprights, poles or braces in or upon the ground and that are independent from any building or other structure.

~~112~~134. "Frequently flooded areas" means lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance and attenuation functions, as determined by the jurisdiction in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program, as designated in critical areas standards identified in Appendix H.

135. "Functions", "beneficial functions", or "functions and values" means the beneficial roles provided by critical areas which include, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance, and attenuation (the slow release) of flood waters; ground water recharge and discharge; erosion control; wave attenuation; protection from natural hazards; historical, archaeological, and aesthetic value protection; and recreation.

Commented [BC27]: Recommended Change 26. This definition has been moved here from Appendix H.

~~113~~136. "Function assessment or functions and values assessment" mean a set of procedures, applied by a qualified professional, to identify the ecological functions being performed in a shoreline or critical area, usually by determining the presence of certain characteristics, and determining how well the area is performing those functions. Function assessments can be qualitative or quantitative and may consider social values potentially provided by area. Function assessment methods must be consistent with best available science.

~~114~~137. "Gabions" means works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.

~~115~~138. "Game fish" means those species of fish that are classified by the Washington Department of Fish and Wildlife as game fish (WAC 232-12-019).

~~116. "Geologically hazardous areas" means areas designated in critical areas standards identified in Appendix H that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose unacceptable risks to public health and safety and may not be suited to commercial, residential, or industrial development.~~

139. "Geologically hazardous area" means an area that, because of its susceptibility to erosion, sliding, earthquake or other geological event, is not suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

Commented [BC28]: Required Change 2: Definition from Appendix H is the correct definition 36.70A RCW

~~117~~140. "Geologically unstable" means the relative instability of a shoreform or land form for development purposes over the long-term or the intended life of any proposed structure. Soil, slope, ground or surface water, other geologic conditions, vegetation and effects of development are common factors that contribute to instability. Areas characterized by banks or bluffs composed of unconsolidated alluvial or glacial deposits (till and drift material), severely fractured bedrock, active and substantial erosion, substantially deformed trees and shrubs, or active or inactive earth slides are likely to be considered geologically unstable. A determination by the jurisdiction of geologically unstable shoreline areas shall be made using the best available information at the time.

141. "Geologist" means a practicing geologist licensed as a professional geologist pursuant to Chapter 18.22 RCW.

Commented [BC29]: Recommended Change 27. This definition has been moved here from Appendix H.

142. "Geologist, engineering geologist, or hydro-geologist" means an individual licensed as a geologist pursuant to Chapter 18.22 RCW.

Commented [BC30]: Recommended Change 28. This definition has been moved here from Appendix H.

118143. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified professional that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

119144. "Gradient" means a degree of inclination, or a rate of ascent or descent, of an inclined part of the earth's surface with respect to the horizontal; the steepness of a slope. It is expressed as a ratio (vertical to horizontal), a fraction (such as meters/ kilometers or feet/miles), a percentage (of horizontal distance), or an angle (in degrees).

120145. "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

121146. "Groins" means a barrier type of structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

122147. "Groundwater" means all water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (Chapter 90.44 RCW).

123148. "Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C).

149. "Handling or processing of hazardous substances" means the use, dispensing, wholesaling, retailing, compounding, manufacture, storage, treatment or synthesis of hazardous substances in quantities greater than five gallons in volume per individual container.

Commented [BC31]: Recommended Change 29. This definition has been moved here from Appendix H.

124150. "Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

125151. "Hazardous area" means any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions; such as but not limited to geologically hazardous areas, and frequently flooded areas.

126152. "Hazardous materials" means any substance containing such elements or compounds which when discharged in any quantity in shorelines present an imminent and/or substantial danger to public

health or welfare; including, but not limited to: fish, wildlife, water quality, and other shoreline features and property.

~~127~~153. "Hazardous substance" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

~~128~~154. "Hearings board" means the State Shorelines Hearings Board referenced in RCW 90.58.170.

~~155~~. "Hearing Body" means the planning commission, city council or hearing examiner.

Commented [BC32]: Recommended Change 30. This definition has been moved here from Appendix H.

~~129~~156. "Height" is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.

~~157~~. "High intensity land use" means land uses which are associated with moderate or high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, urban residential densities, active recreation uses, and commercial and industrial land uses.

Commented [BC33]: Recommended Change 31. This definition has been moved here from Appendix H.

~~130~~158. "Historic site" means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the local jurisdiction.

~~159~~. "Holocene epoch" means an epoch of the Quarternary period, from the end of the Pleistocene, approximately 10,000 years ago, to the present time.

Commented [BC34]: Recommended Change 32. This definition has been moved here from Appendix H.

~~131~~160. "Hydraulic project approval" (HPA) means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

~~132~~161. "Hydric soil" means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation manual, and/or the, the Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended, and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Washington State Wetland Identification and Delineation Manual (RCW 36.70A.175).

~~133~~162. "Hydrologic soil groups" means soils grouped according to their runoff-producing characteristics under similar storm and cover conditions. Properties that influence runoff potential are depth to seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a low permeable layer. Hydrologic soil groups are normally used in equations that estimate runoff from rainfall, but can be used to estimate a rate of water transmission in soil. There are four hydrologic soil groups:

- a. Low runoff potential and a high rate of infiltration potential;
- b. Moderate infiltration potential and a moderate rate of runoff potential;

c. Slow infiltration potential and a moderate to high rate of runoff potential; and

d. High runoff potential and very slow infiltration and water transmission rates.

~~134~~163. "Hydrophytic vegetation" means the sum total of macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. When hydrophytic vegetation comprises a community where indicators of hydric soils and wetland hydrology also occur, the area has wetland vegetation.

~~135~~164. "Hyporheic zone" means the saturated zone located beneath and adjacent to streams that contain some proportion of surface water from the surface channel mixed with shallow groundwater. The hyporheic zone serves as a filter for nutrients, as a site for macro-invertebrate production important in fish nutrition and provides other functions related to maintaining water quality.

~~136~~165. "Impervious surface" means those hard surfaces that prevent or retard the entry of water into the soil. Such surfaces include, but are not limited to, rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas or storage areas, which similarly affect the natural infiltration.

166. "Improvements" means road grading or graveling, utility installation, recreational features, lot grading prior to building permit issuance, permanent plat and survey monuments, road pavement, curb and sidewalks, pedestrian ways, landscaping, and other required or necessary facilities.

Commented [BC35]: Recommended Change 33. This definition has been moved here from Appendix H.

~~137~~167. "Industrial development" means facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including onsite processing of raw materials, and off site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

~~138~~168. "Infiltration" means the passage or movement of water into the soil surface.

169. "In-kind compensation" means to replace critical areas with substitute areas whose characteristics and functions mirror those destroyed or degraded by a regulated activity.

Commented [BC36]: Recommended Change 34. This definition has been moved here from Appendix H.

~~139~~170. "Institutional development" means those public and/or private facilities including police and fire stations, libraries, activity centers, schools, educational and religious training centers, water-oriented research facilities, and similar non-commercial uses, excluding essential public facilities.

~~139~~171. "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

172. "Intermittent stream" means a stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Commented [BC37]: Recommended Change 35. This definition has been moved here from Appendix H.

173. "Intervening ownership" means a separate lot owned by one or more parties which because of its location severs another lot into multiple portions. Existing public road right-of-way encumbrances shall be considered an intervening ownership only as it relates to the bisection of a parcel of land.

Commented [BC38]: Recommended Change 36. This definition has been moved here from Appendix H.

~~140~~174. "Invasive species" means a species that is 1) non-native (or alien) to Douglas County and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

~~144~~175. "Jetties" means structures generally built singly or in pairs perpendicular to the shoreline at harbor entrances or river mouths to prevent shoaling and accretion of littoral sand drift. They also protect channels and inlets from crosscurrents and storm waves.

176. "Joint" means a surface of fracture or parting in a rock, without lateral displacement; the surface is usually planar and commonly occurs in groups to form a joint set.

Commented [BC39]: Recommended Change 37. This definition has been moved here from Appendix H.

177. "Joint system" means two or more groups of joint sets that intersect.

Commented [BC40]: Recommended Change 38. This definition has been moved here from Appendix H.

~~142~~178. "Joint-use piers, ramps, and floats" are those constructed and utilized by more than one contiguous residential waterfront property owner or by a homeowner's association. This does not include commercial marinas.

~~143~~179. "Jurisdiction" means one of two definitions depending on context:

- a. the shoreline jurisdiction as established in Chapter 1 of this Program; or
- b. one or more of the participating governmental entities- Douglas County, the City of Bridgeport, the City of East Wenatchee or the City of Rock Island.

~~144~~180. "Lahar" means a mudflow and debris flow originating from the slopes of a volcano.

~~145~~181. "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream. Where the ordinary high water mark cannot be found, it shall be the line of mean high water.

182. "Land alteration" means activities pertaining to the clearing or moving of land and earthwork, including compaction, excavation, grading, filling, stockpiling, striping and/or scarification of a site.

Commented [BC41]: Recommended Change 39. This definition has been moved here from Appendix H.

~~146~~183. "Landfill" see "fill."

~~147~~184. "Landslide" means a general term covering a wide variety of mass movement landforms and processes involving the down slope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

148. "Landslide hazard areas" means areas that, due to a combination of site conditions like slope inclination and relative soil permeability are susceptible to mass wasting, as designated in critical areas standards as identified in Appendix H.

185. "Landslide hazard area" means an area subject to landslides based on a combination of geologic, topographic, and hydraulic factors. A landslide hazard area includes any area susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology or other factors. The other factors may include, but are not limited to the following:

- a. Areas designated as slumps, earth flows, mud flows, lahars, or landslides on maps published as the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources;
- b. Slope stability maps for East Wenatchee urban area, provided by the Department of Natural Resources Division of Geology and Earth Resources;
- c. City of East Wenatchee critical areas inventory maps as the same exist now or may be hereafter developed and/or amended;
- d. Areas with all the following characteristics, including slopes steeper than 15 percent, hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and springs or ground water seepage;
- e. Any areas of old landslide deposits;
- f. Slopes that are parallel or subparallel to planes of weakness, such as bedding planes, joint systems, and fault planes, in subsurface materials;
- g. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;
- h. Areas that show evidence of, or are at risk from snow avalanches;
- i. Areas located in a canyon, ravine or bluff; and
- j. Any area with a slope of 35 percent or steeper and with a vertical relief of 10 or more feet.

Commented [BC42]: Recommended Change 40: Moved from appendix H. City chose to replace SMP definition with appendix definition.

149186. "Launch ramp" means an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or occasionally by hand.

a. Private launch ramp - is constructed and utilized by a single residential waterfront property owner or a single upland property owner.

b. Community launch ramp - are typically designed and constructed to serve two or more members of a residential development; which typically may include waterfront property owners and often include non-water front property owners. A homeowner's association usually owns a shoreline tract(s) or easement (s) providing for the potential placement of the launch facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized such facilities, the facilities for multiple upland property owners of a residential development would also be considered community launch ramp facilities.

c. Public launch ramps - are constructed and utilized for use by the general public, typically owned and managed by a public agency.

~~150~~187. "Levee" means a natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

~~151~~188. "Liberal construction" means and interpretation that applies in writing in light of the situation presented that tends to effectuate the spirit and purpose of the writing.

~~152~~189. "Line of navigability" means a horizontal line on the bed of a water body at a depth sufficient for navigation by watercraft commonly used on such water bodies; until such lines are finally established by the State Department of Natural Resources or court of law.

~~153~~190. "Littoral drift" or "littoral transport" means the natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents.

~~154~~191. "Long duration" means a period of inundation from a single event that ranges from seven days to one month.

~~155~~192. "Lot" means land described by final plat, short plat or metes and bounds description and is established pursuant to applicable state and local regulations in effect at the date a legal instrument creating the lot is recorded at the Douglas County Auditor's Office.

193. "Low intensity land use" means land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation, open space, or forest management land uses.

Commented [BC43]: Recommended Change 41. This definition has been moved here from Appendix H.

~~156~~194. "Maintenance and repair" means work required to keep existing improvements in their existing operational state. This does not include any modification that changes the character, scope, or size of the original structure, facility, utility or improved area.

~~157~~195. "Marina" means a public or private water-dependent wet moorage and/or dry boat storage facility for pleasure craft and/or commercial craft where goods or services related to boating may be sold commercially. Marinas also include wet moorage facilities where boat moorage slips may be leased or rented to individuals who are not a member or owner of an associated residential development. Launching facilities may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership.

~~158~~196. "Marsh" means a low flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh, at least during part of the year.

~~159~~197. "Mass wasting" means downslope movement of soil and rock material by gravity. This includes soil creep, erosion, and various types of landslides, not including bed load associated with natural stream sediment transport dynamics.

~~160~~198. "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

~~161~~199. "May" means the action is allowable, provided it conforms to the provisions of this Program.

~~200.~~ "Mine hazard area" means an area directly underlain by, adjacent to or affected by mine workings such as adits, tunnels, drifts or air shafts. Mine hazard areas may also include steep and unstable slopes created by open mines.

Commented [BC44]: Recommended Change 42. This definition has been moved here from Appendix H.

~~162~~201. "Mining" means the removal of naturally occurring metallic and non-metallic minerals or other materials from the earth for economic use.

~~163~~202. "Mineral extraction" means the removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this Program.

~~203.~~ "Mineral resource area" means land that is not already characterized by urban growth and is of long-term commercial significance for the extraction of minerals, including: gravel, sand and valuable metallic substances.

Commented [BC45]: Recommended Change 43. This definition has been moved here from Appendix H.

~~164~~204. "Mitigation" means individual actions that may include a combination of the following measures, listed in order of preference:

- a. Avoiding an impact altogether by not taking a certain action or parts of actions;
- b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action;
- e. Compensating for an impact by replacing or providing substitute resources or environments; and
- f. Monitoring the mitigation and taking remedial action when necessary.

~~165~~205. "Mitigation bank" means a site where wetlands or similar habitats are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to aquatic resources.

~~166~~206. "Mitigation plan" means a detailed plan indicating actions necessary to mitigate adverse impacts to critical areas as detailed in Appendix H.

~~167~~207. "Mixed use development" means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design. Mixed use developments, which incorporate non-water oriented uses, must include water dependent use(s), except commercial uses complying with WAC 173-26-241(3)(d).

~~168~~208. "Mixed use environment" means an area so designated in this Program.

~~169~~209. "Monitoring" means evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of such systems and/or assessing the

performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

~~170~~210. Moorage- storage of boats within water (see also Boat Storage).

211. "Mudflow" means a general term for a mass movement land form and a process characterized by a flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement. If more than half of the solid fraction of such a mass consists of material larger than sand size, the term debris flow is preferable. The water content of mudflows may range up to 60 percent; with increasing fluidity, mudflows grade into muddy floods; with less fluidity, mudflows grade into earth flows.

Commented [BC46]: Recommended Change 44. This definition has been moved here from Appendix H.

212. "Mudslide" means a relatively slow-moving mudflow in which movement occurs predominantly by sliding upon a discrete boundary shear surface.

Commented [BC47]: Recommended Change 45. This definition has been moved here from Appendix H.

~~174~~213. "Multifamily dwelling" means a means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this code, includes triplexes, four-plexes, apartment buildings, and residential condominiums.

~~172~~214. "Must" means a mandate; the action is required.

~~173~~215. "Native vegetation" means plant species that are indigenous to the Douglas County and the local area.

216. "Natural drainage" means those channels, swales, and other non-manmade water conveyances and holding systems.

Commented [BC48]: Recommended Change 46. This definition has been moved here from Appendix H.

~~174~~217. "Natural environment" means an area so designated in this Program.

~~175~~218. "Navigable Waters of the United States" means a water body that in its ordinary condition, or by being united with other water bodies, forms a continued route over which commerce is or may be carried on with other states or foreign countries in the customary modes in which such commerce is conducted by water.

~~176~~219. "No net loss" means the maintenance of the aggregate total of the County's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement.

220. "Nonconforming" means a lot, use, building or structure which was lawful prior to the adoption, revision or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the then current requirements of the Program.

~~177~~221. "Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

~~178~~222. “Nonconforming development or nonconforming structure” means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

~~177-179~~223. “Nonconforming lot” means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

~~178-180~~224. “Non-water-oriented Use” means uses that are not water-dependent, water-related or water-enjoyment (WAC). Non-water-oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water-oriented.

~~179-181~~225. “Obstruction (water-related)” means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building wire, fence, rock-gravel, refuse, fill, structure or matter in, along, across or projecting into any channel or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

~~180-182~~226. “Off-premise sign” means a sign which advertises or promotes merchandise, service, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which the sign is located.

~~181-183~~227. “Off-site mitigation” means to replace or compensate for impacts to shoreline resources functions away from the site that is impacted by development.

~~182-184~~228. “Oil” means petroleum or any petroleum product in liquid, semi-liquid, or gaseous form including but not limited to crude oil, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredging spoil.

~~183-185~~229. “Ongoing agriculture” means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use, or has lain idle for more than five consecutive years unless that idle land is registered in a federal or state soils conservation program.

~~184-186~~230. “On-premise sign” means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, person, firm, or corporation occupying the premises

~~185-187~~231. “Open space” means any parcel or area of land or water not covered by structures, hard surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle pathways, or where otherwise provided by this Program or other county or city ordinance and set aside, dedicated,

for active or passive recreation, visual enjoyment or critical area development buffers, as established in critical area regulations.

~~186-188~~232. "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water .

a. The following criteria clarify this mark on lakes, and streams:

b. Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

c. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

~~187~~233. "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

234. "Perennial stream" means a stream that has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

235. "Performance assurance" means a form of financial security posted to ensure timely and proper completion of improvements, compliance with the City of East Wenatchee Municipal Code, or to warranty materials, workmanship of improvements, design and performance. Performance assurances include assignments of funds, cash deposits, surety bonds, and/or other forms of financial security acceptable to the city attorney.

~~188~~236. "Piers" means fixed platforms above the water, perpendicular to the shoreline.

~~189~~237. "Point" means a low profile shore promontory that may be either the wave-cut shelf remaining from an ancient bluff or the final accretional phase of a hooked spit that closed the leeward side gap. Points are accretion shoreforms characterized by converging berms accreted by storm waves that enclose a lagoon, marsh, or meadow, depending on the point's development stage.

~~190~~238. "Point bar" means an accretion shoreform created by deposition of sand and gravel on the inside, convex side of a meander bend. Most material is transported downstream as sediment and bedload at times of high current velocity, or flood stage, from eroding banks or other bars upstream.

~~191~~239. "Pond" means an open body of water, generally equal to or greater than 6.6 feet deep, that persists throughout the year and occurs in a depression of land or expanded part of a stream and has

Commented [BC49]: Recommended Change 47. This definition has been moved here from Appendix H.

Commented [BC50]: Recommended Change 48. This definition has been moved here from Appendix H.

less than thirty percent (30%) aerial coverage by trees, shrubs, or persistent emergent vegetation. Ponds are generally smaller than lakes. Farm ponds are excluded from this definition. Beaver ponds that are two (2) years old or less are excluded from this definition.

[192240](#). "Potable" means water that is suitable for drinking by the public (Chapter 246-290 WAC).

[193241](#). "Preservation" means actions taken to ensure the permanent protection of existing, ecologically important areas that the local jurisdiction has deemed worthy of long-term protection.

[194242](#). "Prevalent vegetation" means the plant community or communities that occur in an area during a given period. The prevalent vegetation is characterized by the dominant macrophytic species that comprise the plant community

[195243](#). "Primary association" means the use of a habitat area by a listed or priority species for breeding/spawning, rearing young, resting, roosting, feeding, foraging, and/or migrating on a frequent and/or regular basis during the appropriate season(s) as well as habitats that are used less frequently/regularly but which provide for essential life cycle functions such as breeding/nesting/spawning.

[196244](#). "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24)).

[197245](#). "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered (WAC).

~~198~~246. "Projecting sign" means a sign that is attached to and projects at an angle from a building's exterior wall.

~~199~~247. "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

~~200~~248. "Public access" means the public's right to get to and use the state's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities. See also Community Access.

~~201~~249. "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.

~~202~~250. "Public utility" means a use owned or operated by a public or publicly licensed or franchised agency that provides essential public services such as telephone exchanges, electric substations, radio and television stations, wireless communications services, gas and water regulation stations and other facilities of this nature.

251. "Pyroclastic" means pertaining to clastic rock material formed by volcanic explosion or aerial expulsion from a volcanic vent.

252. "Pyroclastic flow" means hot clouds of ash, gas, and volcanic rock that flows rapidly down slope under gravity. These may flow at velocities up to 150 kilometers per hour. It is a synonym of ash flow, and may be projected from a laterally directed blast.

~~203~~253. "Qualified professional or qualified consultant" mean a person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology or related field, and related work experience and meet the following criteria:

- a. A qualified professional for wetlands means a biologist who has a degree in biology, ecology, botany, or a closely related field and a minimum of five (5) years of professional experience in wetland identification and assessment in Eastern Washington.

Commented [BC51]: Recommended Change 49. This definition has been moved here from Appendix H.

Commented [BC52]: Recommended Change 50. This definition has been moved here from Appendix H.

b. A qualified professional for habitat conservation areas means a biologist who has a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five (5) years professional experience related to the subject species/habitat type.

c. A qualified professional for geologically hazardous areas must be an engineer or geologist licensed in the state of Washington. An engineer must be licensed as a civil engineer pursuant to Chapter 18.43 RCW, to qualify. A geologist must be a practicing geologist licensed as a professional geologist pursuant to Chapter 18.22, RCW.

d. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydro-geologist, geologist, or engineer.

~~204~~254. "Quasi-public" means uses associated with churches or some non-profit organizations that provide public benefits or services.

255. "Quaternary" means the second period of the Cenozoic era, following the Tertiary; also, the corresponding system of rocks. It began two to three million years ago and extends to the present. It consists of two grossly unequal epochs: the Pleistocene, up to about 10,000 years ago, and the Holocene since that time.

256. "Reach" means a segment of a watercourse with uniform characteristics.

Commented [BC53]: Recommended Change 51. This definition has been moved here from Appendix H.

Commented [BC54]: Recommended Change 52. This definition has been moved here from Appendix H.

~~205~~257. "Recharge" means the process involved in the absorption and addition of water from the unsaturated zone to ground water.

~~206~~258. "Recreation" means an experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based recreation outdoor recreation such as: fishing, hunting, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

~~207~~259. "Recreational development" means development that provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement or contemplation. It includes facilities for activities such as, but not limited to, skin diving, hiking, canoeing, kayaking, sailing, photography, viewing and fishing. It also includes facilities with more developed uses such as parks, campgrounds, golf courses and other outdoor recreation areas. It applies to both publicly and privately owned shoreline facilities intended for use by the general public, private club, group or association.

~~208~~260. "Re-establishment" means measures taken to intentionally restore an altered or damaged natural feature or process including:

a. Active steps taken to restore damaged wetlands, streams, protected habitat, and/or their buffers to the functioning condition that existed prior to an unauthorized alteration;

b. Actions performed to re-establish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or other events; and

c. Restoration can include restoration of wetland functions and values on a site where wetlands previous existed, but are no longer present due to lack of water or hydric soils.

~~209~~261. "Rehabilitation" means a type of restoration action intended to repair natural or historic functions and processes. Activities could involve breaching a dike to reconnect wetlands to a floodplain or other activities that restore the natural water regime.

~~240~~262. "Renovation" means to restore to an earlier condition as by repairing or remodeling. Renovation shall include any interior changes to the building and those exterior changes that do not substantially change the character of the existing structure.

~~241~~263. "Repair or maintenance" mean an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

~~242~~264. "Resident fish" means a fish species that completes all stages of its life cycle within freshwater and frequently within a local area.

~~243~~265. "Residential development" means one or more buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, mobile homes, short and long subdivisions and other structures that serve to house people.

~~244~~266. "Restore", "restoration" or "ecological restoration" means the re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre- European settlement conditions.

~~245~~267. "Revetment" means a sloped wall constructed of rip rap or other suitable material placed on stream banks or other shorelines to retard bank erosion from high velocity currents or waves respectively.

268. "Review authority" means the person or persons responsible for the administration of the City of East Wenatchee development regulations. The review authority may be the administrator, building official, city engineer, director, fire marshal, Hearing Body, planning commission, city council or their appointed designee(s).

~~246~~269. "Rills" means steep-sided channels resulting from accelerated erosion. A rill is generally a few inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion tends to occur on slopes, particularly steep slopes with poor vegetative cover.

~~247~~270. "Rip rap" means dense, hard, angular rock free from cracks or other defects conducive to weathering used for revetments or other flood control works.

~~248~~271. "Riparian habitat" is the area adjacent to flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. This habitat includes the area with riparian vegetation and the riparian area of influence, and is delineated by function rather than form. Riparian habitat does not include those artificial riparian areas intentionally created from non-riparian sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.

Commented [BC55]: Recommended Change 53. This definition has been moved here from Appendix H.

~~219~~272. "Riparian area" is an area with distinctive hydrology and vegetation between a stream or other body of water and the adjacent upland. This definition includes wetlands and those portions of flood plains and valley bottoms that support riparian vegetation. "Riparian habitat area" is a standard management area on either side of a stream or river that is designed to include the full range of riparian habitat functions. This includes riparian habitat and upland habitat designated by a measurement from the ordinary high water mark.

~~220~~273. "Riparian vegetation" means vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

~~220-274~~. "River channel" means that area of the river environment lying riverward of the ~~mean~~ "ordinary" high water mark.

Commented [BC56]: If change is accepted. Mean shall be changed to "ordinary" as shown.

~~221-275~~. "Road" means an improved and maintained public or private road that provides vehicular circulation or principal means of access to abutting properties and may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage.

Commented [BC57]: Recommended Change 54. This definition has been moved here from Appendix H.

~~221-222~~276. "Roof sign" means a sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; signs on mansard roofs shall be considered wall signs.

~~222-223~~277. "Rural conservancy environment" means an area so designated pursuant to this Program.

~~278~~. "Scientific information" is produced using a valid scientific process. The characteristics of the scientific process may include peer review, methods that can be replicated, contain logical conclusions and reasonable inferences, quantitative analysis, context and references.

Commented [BC58]: Recommended Change 55. This definition has been moved here from Appendix H.

~~223-224~~279. "Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

~~224-225~~280. "Sensitive area" means any area that is naturally unsuitable or undesirable for intensive human use or development due to its higher development costs or its value to region or community in its natural or present condition.

~~225-226~~281. "SEPA" is the acronym for the State Environmental Policy Act.

~~226-227~~282. "Shall" means a mandate; the action must be done.

~~227-228~~283. "Shared moorage", means dock facilities that would include joint use and/or community dock facilities.

~~284~~. "Shore" means land at the edge of a body of water.

Commented [BC59]: Recommended Change 56. This definition has been moved here from Appendix H.

~~228-229~~285. "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of

Chapter 90.58 RCW; the same to be designated as to location by the Department of Ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet there from.

~~229-230. "Shoreline" means all of the water areas of the state within Douglas County East Wenatchee, including reservoirs, and their associated wetlands, together with the lands underlying them; except (a) shorelines of state wide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty feet per second or less and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes~~

~~286. "Shoreline" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.~~

Commented [BC60]: Required Change 3: Definition from RCW 90.58.030

~~230-231~~287. "Shoreline jurisdiction" means all shorelines of the state and shorelands.

~~231-232~~288. "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

~~232-233~~289. "Shoreline permit" means a shoreline exemption, shoreline substantial development permit, a shoreline conditional use, or a shoreline variance, or any combination thereof issued by Douglas County, the City of Bridgeport, the City of East Wenatchee, or City of Rock Island, as appropriate, pursuant to RCW 90.58.

~~233-234~~290. "Shoreline residential environment" means an area designated pursuant to this Program.

~~234-235~~291. "Shoreline stabilization" is structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM. Other construction classified as shore defense works include groins, jetties and breakwaters, which are intended to influence wave action, currents and/or the natural transport of sediments along the shoreline.

~~235-236~~292. "Shorelines of statewide significance" means the following shorelines of the state:

- a. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
- b. Those natural rivers or segments thereof as follows: Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;
- c. Those shorelands associated with the above.

~~236-237~~293. "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

~~237-238~~294. "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this Program, against taking the action.

~~238-239~~295. "Side yard" means the distance from the structure, such as a residence, to the parcel line. Examples: in the case of a residence it is the sides, but not the front or rear of the structure. In the case of a structure such as a dock, it means the distance along the shoreline to the parcel line.

~~239-240~~296. "Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.

297. "Slope" means:

a. Gradient; or

b. The inclined surface of any part on the earth's surface.

It is delineated by establishing its toe and top, and measured by averaging the inclination over at least 10 feet of vertical relief.

298. "Slope failure" means gradual or rapid down slope movement of soil or rock under gravitational stress.

299. "Slump" means a landslide characterized by a shearing and rotary movement of a generally independent mass of rock or earth along a curved slip surface by backward tilting of the mass. Slumps occur in unconsolidated materials and are often the result of undercutting or steepening of the slope.

300. "Soil" means the upper layers of ground, consisting of unconsolidated materials typically made up of broken and decomposed rock and decayed organic matter.

~~240-241~~301. "Solid waste" shall have the same meaning attributed to the term as in Chapter WAC 173-304 as it now exists or may be amended or succeeded.

~~241-242~~302. "Spit" means an accretion shoreform that is narrow in relation to length and extends parallel to or curves outward from shore; spits are also characterized by a substantial wave-built sand and gravel berm on the windward side, and a more gently sloping silt or marsh shore on the lagoon or leeward side; curved spits are called hooks.

~~242-243~~303. "Statement of exemption" means a written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program including the policy of the Act (RCW 90.58.020) pursuant to Chapter 6.

~~243-244~~304. "Streams" are those areas where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year round. This definition includes drainage ditches

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or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations.

~~244-245~~305. "Substantial development" as defined by RCW 90.58.030.

~~245-246~~306. "Substantially degrade" means to cause significant ecological impact.

~~307~~. "Tephra" means a collective term for all size grades of particles of solidified magma blown out under gas pressure from a volcanic vent.

~~308~~. "Terrestrial species" means animals living on or in the ground, including arboreal creatures; not aquatic or aerial.

~~246-247~~309. "Toe" means the lowest part of a slope or cliff; the downslope end of an alluvial fan, landslide, etc.

~~247-248~~310. "Top" means the top of a slope; or in this Program it may be used as the highest point of contact above a landslide hazard area.

~~311~~. "Toxic" means poisonous, carcinogenic, or otherwise directly harmful to life.

~~248-249~~312. "Transportation facilities" means those structures and developments that aid in the movement of people, goods and services across land and water surfaces. They include roads, streets and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, airports and other related facilities.

~~249-250~~313. "Typically adapted" is a term that refers to a species being normally or commonly suited to a given set of environmental conditions, due to some feature of its morphology, physiology, or reproduction.

~~250-251~~314. "Unavoidable" means adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

~~251-252~~315. "Upland" generally means dry lands landward of OHWM. Some usages of the word may also include the area above riparian or wetland vegetation, or the area above the shoreline jurisdiction boundary.

~~252-253~~316. "Urban conservancy environment" means an area designated pursuant to this Program.

~~253-254~~317. "Utilities" means any water, gas, sanitary or storm sewer, electrical, telephone, irrigation, drainage way, wire or television communication facility and/or service and all persons, companies or governmental agencies furnishing the same. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

~~254-255~~318. "Utility development" includes but is not limited to facilities for distributing, processing, or storage of water, sewage, solid waste, storm drainage, electrical energy including electronic communications, and their administrative structures, as well as pipelines for petroleum products, and fire fighting facilities. Power plants are considered industrial.

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~~255-256~~319. "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

~~256-257~~320. "Vegetative stabilization" means planting of vegetation to retain soil and retard erosion; reduce wave action, and retain bottom materials. It also means utilization of temporary structures or netting to enable plants to establish themselves in unstable areas.

~~257-258~~321. "Very long duration" means a period of inundation from a single event that is greater than one month.

~~258-259~~322. "Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

~~259-260~~323. "Visual access" means access that provides a view of the shoreline or water, but does not allow physical access to the shoreline.

~~260-261~~324. "Volcanic hazard areas" means geologically hazardous areas that are subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, mudflows, or related flooding resulting from volcanic activity, as designated in critical area regulations.

~~261-262~~325. "Wall sign" means any sign attached to or painted directly on the wall, or erected against and parallel to the wall of a building, not exceeding more than twelve inches from the wall.

~~262-263~~326. "Water body" means a body of still or flowing water bounded by the OHWM.

~~263-264~~327. "Water craft lift" is an in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water periodically. A lift as herein defined is used to berth and launch a single vessel, suspended over the water's surface. A lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a dock or as stand-alone structure. A lift may be designed either for boats or personal watercraft.

~~264-265~~328. "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

~~265-266~~329. "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

~~266-267~~330. "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

~~267-268~~331. "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this Program, the term "water quantity" refers only to development and uses regulated under this Program and affecting water quantity, such as impermeable surfaces and

storm water handling practices. Water quantity, for purposes of this Program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

~~268-269~~332. "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

~~269-270~~333. "Watershed" means a geographic region within which water drains into a particular river, stream or body of water.

~~270-271~~334. "Well head protection area" means the area (surface and subsurface) managed to protect ground water based public water supplies.

~~271-272~~335. "Weir" means a structure in a stream or river for measuring or regulating stream flow.

~~272-273~~336. "Wet season" means the period generally between November 1 and March 30 of most years when soils are wet and prone to instability. The specific beginning and end of the wet season can vary from year to year depending on weather conditions.

~~273-274~~337. "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created for non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lines swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

~~274-275~~338. "Wetland buffer" means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and ecological stability of the wetland.

~~275-276~~339. "Wetland class" means the general appearance of the wetland based on the dominant vegetative life form or the physiography and composition of the substrate. The uppermost layer of vegetation that possesses an aerial coverage of thirty percent (30%) or greater of the wetland constitutes a wetland class. Multiple classes can exist in a single wetland. Types of wetland classes include forest, scrub/shrub, emergent, and open water.

~~276-277~~340. "Wetland delineation" means the precise determination of wetland boundaries in the field according to the application of specific methodology described in the Washington State Wetland Identification and Delineation manual, and/or the Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended, and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. as described in the 1997 Washington State Wetland Delineation

Manual or 1987 edition, as amended, Corps of Engineers Wetlands Delineation Manual and the mapping thereof.

~~277-278~~341. "Wetland edge" means the boundary of a wetland as delineated based on the definitions contained in this Program.

~~278-279~~342. "Wetland mitigation bank" means a site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

~~343~~. "Wharf" means a fixed platform that runs parallel to the shoreline.

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~~279-280~~344. "Wood waste" means solid waste consisting of wood pieces or particles generated as a byproduct or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.